S.B.CRIMINAL MISC. BAIL APPLICATION NO.4362/2006

Date : 19.10.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. S.D. Purohit)
Mr. D.K. Gaur) for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that three different versions are there, therefore the applicant should be enlarged on bail. Learned counsel submits that information recorded u/s.27 of the Indian Evidence Act, suggests that place of occurrence should be different and not as stated by witnesses. It has been submitted that in the statements of Arjun and Dhanna, there appears material contradictions. In the last, it has been submitted that it is post-mortem reports shows that cause of death was electric shock.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

A perusal of charge-sheet papers reveals that FIR was lodged on 12.02.2006 stating inter alia therein that on 11.02.2006, efforts were made to procure presence of the deceased and the deceased was taken by the applicant along with others and 12.02.2006 his dead body was found. Prima facie, from the statement of Arjunlal, it appears that the accused party was bent upon to take the deceased with them and ultimately succeeded and the deceased was taken by them, therefore, in my humble opinion, I do not find it to be a fit case to extend benefit of bail to the applicant.

Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. is rejected. However, the applicant shall be free to move regular bail application before the learned trial court after statements of material witnesses are recorded. Thereafter, if any bail is moved by the

applicant, then, the learned trial court shall decide the same in accordance with law. The learned trial court shall also expedite the trial.

The bail application stands rejected.

(SATYA PRAKASH PATHAK), J.

vijayant